

)
)
)
)
)
)
)
)
)

By regulation, we may issue a decision without a hearing when the parties file stipulated

facts, signed by the parties and their attorneys, and waive hearing before the Commission.
1 CSR 15-3.446(3).¹ Accordingly, we base our findings of fact on the parties' stipulation of facts.

Findings of Fact

1. Trampus W. Jackson is licensed as a peace officer by the Missouri Department of Public Safety, license number 36572. His license is current and active and was so at all times relevant to this case.

2. On or about January 9, 2011, in Morgan County, Missouri, Mr. Jackson committed the crime of Driving While Intoxicated, a class B misdemeanor, when he operated a motor vehicle while in an intoxicated condition, in violation of § 577.010, RSMo².

3. On or about January 9, 2011, in Morgan County, Missouri, Mr. Jackson committed the crime of Following Too Closely, a class C misdemeanor, when he operated a motor vehicle following another vehicle more closely than is reasonably safe and prudent and was involved in an accident in which he struck the rear of the preceding vehicle, in violation of § 304.017, RSMo.

4. Mr. Jackson pleaded guilty on November 15, 2012 in the 26th Judicial Circuit Court, State of Missouri, to the crimes of Driving While Intoxicated and Following Too Closely, as defined in §§ 577.010 and 304.017, respectively, arising out of the incidents of January 9, 2011.

Conclusions of Law

We have jurisdiction of this matter pursuant to § 590.080.2, RSMo (Supp. 2012), which provides that the Director may file a complaint with this Commission, and that the Commission shall then "determine whether the [D]irector has cause for discipline, and...shall issue findings

¹ All references to "CSR" are to the Missouri Code of State Regulations, as current with amendments included in the Missouri Register through the most recent update.

² All references to "RSMo" are to the Revised Statutes of Missouri (2000), unless otherwise noted.

of fact and conclusions of law on the matter.”

The Director is responsible for issuing and disciplining the licenses of Missouri peace officers. § 590.020, .030, and .080. When the Director files a complaint with this Commission asking us to determine there is cause for discipline, the Director bears the burden of proving by a preponderance of the evidence that the licensee committed an act for which the law gives the Director the authority to discipline the license. *See Kerwin v. Mo. Dental Bd.*, 375 S.W.3d 219, 229-230 (Mo. App. W.D. 2012) (dental licensing board demonstrated “cause” to discipline by showing preponderance of evidence). A preponderance of the evidence is evidence showing, as a whole, that “the fact to be proved [is] more probable than not.” *Id.* at 230 (*quoting State Bd. of Nursing v. Berry*, 32 S.W.3d 638, 642 (Mo. App. W.D. 2000)).

Section 590.080.1(2) provides that the Director shall have cause to discipline a licensee who “[h]as committed any criminal offense, whether or not a criminal charge has been filed[.]”

Here, the undisputed facts show that Mr. Jackson, a licensed peace officer, committed and pleaded guilty to two crimes: Driving While Intoxicated in violation of § 577.010, and Following Too Closely in violation of §304.017. His conduct falls squarely under § 590.080.1(2). Therefore, the Director has cause to discipline Mr. Jackson’s peace officer license.

Summary

We find in favor of the Director.

The hearing presently scheduled for June 26, 2013 is canceled.

SO ORDERED on June 12, 2013.

\s\Alana M. Barragán-Scott
ALANA M. BARRAGÁN-SCOTT
Commissioner